

**PLAINTIFF'S MOTION TO LIFT STAY ON DISCOVERY AGAINST  
DEFENDANT BUILD OUR CENTER, INC.**

*(Incorporating Video as Exhibit)*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**DREW J. RIBAR,  
Plaintiff, Pro Se**

**v.**

**WASHOE COUNTY, et al.,  
Defendants.**

**Case No.: 3:24-cv-00526-ART-CSD**

__ Filed __	__ Received __	__ Entered __	__ Served On
Counsel/Parties of Record			
FEB 27 2025			
Clerk US District Court			
District of Nevada			
By:		Deputy	

**PLAINTIFF'S MOTION TO LIFT STAY ON DISCOVERY AGAINST  
DEFENDANT BUILD OUR CENTER, INC.**

**TO: The Honorable Court and All Counsel of Record**

Plaintiff **Drew J. Ribar**, appearing **pro se**, respectfully moves this Court to **lift the stay on discovery against Defendant Build Our Center, Inc. ("BOC")** and states as follows:

**I. INTRODUCTION**

On January 23, 2025, the Court granted BOC's Motion to Stay Discovery, preventing Plaintiff from obtaining crucial evidence. However, **video evidence (attached as Exhibit A)** demonstrate BOC's direct role in public event administration, security decisions, and Plaintiff's removal from a public library event.

This evidence establishes:

PLEADING TITLE - I

- 1       1. **BOC was operating as a government agent at the library event, directing and**  
2           **controlling access to a public facility.**
- 3       2. **BOC volunteers engaged in physical confrontation leading to Plaintiff's removal**  
4           **from the premises, demonstrating their authority over public spaces.**
- 5       3. **Plaintiff's ability to oppose BOC's Motion to Dismiss is hindered without discovery**  
6           **into BOC's communications, policies, and role at the library.**  
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9       As such, **Plaintiff respectfully requests that this Court lift the stay and allow discovery to**  
10       **proceed against BOC.**  
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13       **II. RELEVANT FACTS**  
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- 15       • **BOC collaborated with the Washoe County Library to organize and facilitate**  
16           **events.**
- 17       • **BOC volunteers were stationed inside and outside the public library and had**  
18           **control over access to public areas. (Exhibit A timestamp 03:23)**
- 19       • **BOC volunteers directly engaged in interactions that led to Plaintiff's trespassing,**  
20           **including physical interference and instigation of Plaintiff's removal.**  
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23       The attached video (Exhibit A) demonstrates BOC's active role in public event enforcement,  
24       including:  
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- 26       • **BOC volunteers blocking Plaintiff's movement inside and outside the library,**  
27           **limiting his access to public spaces. (Exhibit A timestamp 09:41)**  
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- **BOC volunteer initiating physical contact, constituting battery under Nevada law** (Exhibit A timestamp 27:27).
- **Plaintiff being trespassed following an altercation with a BOC volunteer, not library staff or police.** (Exhibit A timestamp 28:36)

The **nexus test for state action** is met because **BOC exercised power typically reserved for government authorities** in restricting Plaintiff's movement inside and outside a public building.

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### **III. LEGAL ARGUMENT**

#### **A. The Stay on Discovery Prevents Plaintiff from Obtaining Essential Evidence**

Courts have consistently held that **stays of discovery should only be granted in rare circumstances where a dispositive motion would fully resolve the case** (Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 601 (D. Nev. 2011)).

Here, however, **BOC's Motion to Dismiss is based on a factual dispute about its role as a state actor, which requires discovery to resolve. The video evidence directly contradicts BOC's claim that it had no governmental function at the event.**

A stay of discovery is **only appropriate when a pending motion would dispose of the case entirely**, and even then, the party seeking the stay **must show good cause** (Twin City Fire Ins. Co. v. Employers Ins. of Wausau, 124 F.R.D. 652, 653 (D. Nev. 1989)). **BOC has failed to meet this burden, and the stay should be lifted.**

**B. The Video Evidence Proves BOC Acted as a State Actor**

A private entity may be held liable under § 1983 if it engages in joint action with the state (Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass'n, 531 U.S. 288, 296 (2001)).

The **nexus test** is met here because:

1. **BOC exercised control over a public facility (the library).**
2. **BOC volunteers restricted access and directed security measures.**
3. **BOC's actions directly led to Plaintiff's removal from the premises.**

Without discovery, Plaintiff is unable to obtain BOC's communications with Washoe County, policies regarding event security, or directives regarding Plaintiff's removal.

**C. BOC's Role in Security & Policy Enforcement Requires Further Investigation**

BOC's role in determining who could access the library and who was trespassed raises serious constitutional concerns. The video evidence **proves that BOC was actively involved in enforcing public access restrictions**, making discovery into their communications and policies essential.

Plaintiff must be able to request:

- **BOC's internal policies regarding public event administration.**
- **Emails, text messages, and meeting notes between BOC and Washoe County officials.**
- **Incident reports regarding Plaintiff's removal from the event.**

**IV. CONCLUSION**

For the foregoing reasons, Plaintiff **respectfully requests that this Court lift the stay on discovery against BOC** and allow Plaintiff to obtain the evidence necessary to litigate this case fairly.

**Respectfully submitted,**

**Dated:** February 27, 2025

/s/ **Drew J. Ribar**  
Plaintiff, Pro Se  
3480 Pershing Ln.  
Washoe Valley, NV 89704  
(775) 223-7899  
const2audit@gmail.com